

REMARKS/ARGUMENTS

The Office Action mailed December 15, 2004, has been reviewed. Claims 1-34 were rejected under 35 U.S.C. Section 112, second paragraph. Claim 34 was rejected under 35 U.S.C. Section 101. Claims 1, 2, 6-10, 12-15, 18-22, 24-27, 30, 31, 33 and 34 were rejected under 35 U.S.C. Section 102(b). Claims 1-19, 12-22, 24-31, 33 and 34 were rejected under 35 U.S.C. Section 102(b). Claims 11, 23 and 32 were rejected under 35 U.S.C. Section 103(a).

Applicants have provided herewith their amendments to the claims. Based upon these limitations to the claims, Applicants respectfully traverse the above-referenced rejections, to the extent that such rejections may apply to the amended claims presented herewith. Applicants respectfully request reconsideration of the above-referenced rejections, in view of the amended claims and remarks provided herewith.

The Amended Claims

Independent claim 1 has been amended to specify a non-refillable dispenser adapted for dispensing from a table top and convertible to dispensing from a conventional rolled product fixture. The dispenser includes a housing which is formed to include a compartment to hold sheets therein. The housing also includes a dispensing opening for removal of sheets from the housing. The housing is designed to be positioned on a table top for dispensing sheets therefrom. The housing also includes connecting means formed in the housing which includes two spaced-apart areas of perforations which, when opened, provide a pair of spaced-apart openings which permit the housing to be coupled to a fixture. The connecting means are masked as a portion of the housing when the dispenser is positioned on a table top for dispensing. The connecting means are easily un-masked when the perforations are opened to provide the pair of spaced-apart openings to permit the housing to be releasably coupled to a fixture.

Independent claim 13 has been amended to define a non-refillable dispenser adapted for dispensing from a table top and convertible to dispensing from a conventional rolled product fixture. The dispenser comprises a housing

which is formed to include a compartment to hold sheets therein. The housing also includes a dispensing opening for removal of sheets from the housing. The housing is designed to be positioned on a table top for dispensing sheets therefrom. The housing includes two spaced-apart areas of perforations formed in the housing which, when opened, provide a pair of spaced-apart openings which permit the housing to be coupled to a fixture. The purpose for the perforations is masked when the dispenser is positioned on a table top for dispensing. The purpose for the perforations is unmasked when the perforations are opened to provide the pair of spaced-apart openings and the housing is releasably coupled to a fixture in the bathroom.

Similarly, independent claim 25 has been amended as well. Claim 25 has been amended to specify a non-refillable dispenser adapted for dispensing from a table top and convertible to dispensing from a conventional rolled product fixture in the bathroom. The non-refillable dispenser comprises a housing formed to include a compartment to hold dry sheets and premoistened sheets. The housing also includes dispensing openings positioned in the housing to permit each of the dry sheets and the premoistened sheets to be dispensed from the housing. The housing is designed to be positioned on a table top for dispensing sheets therefrom. The housing includes two spaced-apart areas of perforations formed in the housing which, when opened, provide a pair of spaced-apart openings which permit the housing to be coupled to a fixture. The purpose for the perforations is masked when the dispenser is positioned on a table top for dispensing. The purpose for the perforations is unmasked when the perforations are opened to provide the pair of spaced-apart openings and the housing is releasably coupled to a fixture in a bathroom for dispensing sheets therefrom. Antecedent basis for the amendments to claims 1, 13 and 25 is found in the specification at least at p. 7, lines 24-31 and p. 8, lines 1-6, and at least in Figures 2, 3, 6, 7, 10-12, 14-16, 17 and 18.

Dependent claims 2, 14, and 26, depending from claims 1, 13, and 25, respectively, have been amended to specify that the housing includes a paperboard. Dependent claims 3, 15 and 27, depending from claims 1, 13, and

25, respectively, have been amended to specify that the housing includes a polymer film. Dependent claims 12, 24 and 33, depending from claims 1, 13, and 25, respectively, have been amended to specify that the housing includes cellophane. Antecedent basis for these amendments is found in original claims 12, 24 and 33. Dependent claims 4, 16, and 28, depending from claims 1, 13, and 25, respectively, now defines that the non-refillable dispenser further comprises an excess of material on one portion of the housing. The excess of material is folded against an outer surface of the housing when the dispenser is positioned on a table top. The excess of material is releasable such that it forms a tent-shaped configuration having two opposing and generally triangular sides. Each triangular side includes one area of perforations. Claims 7, 19 and 31, depending from claims 1, 13 and 25, respectively, specifies that each area of perforations is disposed at a location selected from the group consisting of an end and a wall of the housing. Antecedent basis for claims 4, 7, 16, 19, 28 and 31 is found in the specification at least at p. 15, lines 21-30 and p. 16, lines 1-11, p. 21, lines 5-24 and at least in Figures 10-12, 14-16, 17, 18 and 20. Claim 32 was amended to depend from claim 25. Claim 34 has been canceled. It is respectfully submitted that all amendments are properly made, and it is further respectfully requested that all amended claims be entered and considered.

Applicants' Response to the 35 U.S.C. Section 112 Rejection

Claims 1-34 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. Specifically, the term "configured" was defined as indefinite. This term has been removed via amendment from the claims.

Claims 12, 24 and 33 were rejected as indefinite due to materials stated in a markush claim. Claims 12, 24 and 33 have been amended to claim that the housing includes cellophane. Claims 2, 14 and 26 have been amended to claim that the housing includes a paperboard. Claims 3, 15 and 27 have been amended to claim that the housing includes a polymer film.

Claim 34 was rejected as being indefinite. Claim 34 has been canceled.

In view of the amendments to the claims, as well as the canceled claim. Applicants respectfully submit that the rejection of the above-referenced claims under 35 U.S.C. Section 112, second paragraph should be withdrawn.

Applicants' Response to the 35 U.S.C. Section 101 Rejection

Claim 34 was rejected under 35 U.S.C. Section 101. Claim 34 has been canceled. Accordingly, Applicants respectfully submit that the rejection is now moot, and should be rescinded.

Applicants' Response to the 35 U.S.C. Section 102(b) Rejections

Claims 1, 2, 6-10, 12-15, 18-22, 24-27, 30, 31, 33 and 34 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Shapiro, U.S. Pat. No. 2,133,048 (hereinafter "Shapiro"). Claims 1-10, 12-22, 24-31, 33 and 34 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Sauer et al, U.S. Pat. No. 6,439,386 (hereinafter "Sauer"). Applicants respectfully traverse the rejections, to the extent that such rejections may apply to the presently presented claims.

Shapiro discloses a facial and toilet tissue holder. The holder includes a rectangular box 11 having an overlapping flap or tuck top 12 at one end. The top 12 may be adjusted to overlap a towel rack or paper roll holder by passing the top 12 over the bar and connecting the wing fastener 16' through the hole 17 and adjusting the opposite wing fastener on the tuck top 12. See Specification, col. 1 lines 23-34, col. 2, lines 1-6.

Further, Shapiro does not make any attempt to mask the elements in its housing which permit is to be adapted to couple to a fixture. That is, the top or flap is apparent and is obviously sized to overlap a towel roll or paper roll holder. Further, Shapiro provides a closure means which permits the top or flap to overlap and couple to a side of the box.

The present invention, in contrast, as now claimed, discloses a non-refillable dispenser having a housing which includes connecting means (Claim 1), namely, two spaced-apart perforations (Claims 1, 13, 25). The perforations (Claim 1) or purpose for the perforations (Claims 13, 25) are masked when the dispenser is positioned on a table top. However, the perforations (Claim 1) or

purpose for the perforations (Claims 13, 25) are un-masked when the perforations are opened to provide a pair of spaced-apart openings. The pair of spaced-apart openings permit the housing to be releasably coupled to a fixture for dispensing therefrom.

Sauer discloses a packaged, absorbent paper product, a container, and a dispensing method. The container includes flap or a hanger member 36 which is integral to the container 10 at one end. The hanger member 36 must be released from the container 10 via removal of strip 54, as shown in Figure 2. The hanger member 36 is then moved around support member 32 (roll holder) and then reattached to the container 10 via an adhesive or a first attachment member 42. See Specification, col. 3, lines 56-67 and col. 4, lines 1-4, and Figures 1A, 2A, 2 and 3.

The present invention, in contrast, as now claimed, does not use a hanger member which is detached from the housing and which provides a flap to overlap a roll holder. The present invention includes two spaced-apart perforations. The perforations, that is, the purpose for the perforations, is masked while the perforations are un-opened and the dispenser is positioned on a table top. However, when the perforations are opened, the purpose for the perforations is un-masked because they are opened and provide a pair of spaced-apart openings which permit the housing to be releasably coupled to a fixture.

Neither Shapiro nor Sauer disclose a pair of spaced-apart perforations who are masked until the perforations are opened into a pair of spaced-apart openings, at which time they are un-masked. However, this limitation is now claimed in amended independent claims 1, 13 and 25.

Neither reference can anticipate independent claims 1, 13 and 25, as now amended, when neither reference discloses the limitations included therein. Accordingly, it is respectfully submitted that the 35 U.S.C. Section 102(b) rejections of independent claims 1, 13 and 25 should be withdrawn. Similarly, since the remaining dependent claims cited in the rejections depend, directly or indirectly from claims 1, 13 and 25, it is also respectfully submitted that the 35

U.S.C. Section 102(b) rejections of the referenced pending dependent claims also be withdrawn as well.

Applicants' Response to the 35 U.S.C. Sections 103(a) Rejections

Applicants' note the Examiner's query regarding named joint inventors. The subject matter of the claims, as defined by the amended claims provided herewith, was commonly owned at the time of any inventions covered herein were made.

Turning now to the 35 U.S.C. Section 103(a) rejection, claims 11, 23 and 32 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Sauer et al. in view of Ponsi et al. U.S. Pat No. 5,906,278 (hereinafter "Ponsi"). Applicants respectfully traverse the rejections, to the extent that such rejections may apply to the presently presented claims.

Sauer has been discussed, above. Ponsi discloses a dispenser having a resealable cover. However, neither Sauer nor Ponsi, alone or in combination, teach the limitations of independent claims 1, 13 and 25, as discussed in detail above, as now amended herein. Further, no reference cited herein, alone or in any combination, discloses, teaches, or suggests the limitations now provided via amendment in independent claims 1, 13 and 25.

Therefore, it is respectfully submitted that dependent claims 11, 23 and 32 are not rendered obvious since none of the references, alone or in any combination, disclose, teach or suggest the above-referenced limitations. Accordingly, it is respectfully submitted that the 35 U.S.C. Section 103(a) rejections of dependent claims 11, 23 and 32 should be rescinded.

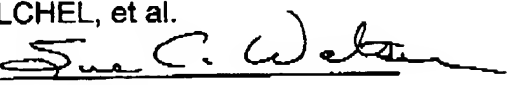
Applicants respectfully submit that all pending claims are now in a condition for allowance. Favorably action is respectfully solicited.

Applicants' attorney would welcome an opportunity to discuss any portion of this submission with the Examiner; the Examiner is therefore encouraged to telephone the undersigned to resolve any remaining issues to pass this application to allowance. The undersigned may be reached at 770-587-8653.

Please charge any prosecutorial fees which are due to Kimberly-Clark
Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

WELCHEL, et al.

By: 

Sue C. Watson

Registration No. 38,850

Kimberly-Clark Corporation
401 North Lake Street
Neenah, WI 54956